Heck 19
1508
F 159
.C4 S5
Copy 1

A

MEMOIR

OF

GEORGE CHAMBERS,

OF

CHAMBERSBURG,

LATE

VICE-PRESIDENT OF THE SOCIETY.

BY

J. McDOWELL SHARPE.

AND READ BY HIM BEFORE THE

HISTORICAL SOCIETY OF PENNSYLVANIA,

FEBRUARY 17TH, 1873,

PHILADELPHIA:
HISTORICAL SOCIETY OF PENNSYLVANIA.
1873.

A

MEMOIR

OF

GEORGE CHAMBERS.

A

MEMOIR

OF

GEORGE CHAMBERS,

OF

CHAMBERSBURG,

LATE

VICE-PRESIDENT OF THE SOCIETY.

BY

J. McDOWELL SHARPE.

AND READ BY HIM BEFORE THE

HISTORICAL SOCIETY OF PENNSYLVANIA,

FEBRUARY 17TH, 1873.

PHILADELPHIA:
HISTORICAL SOCIETY OF PENNSYLVANIA.
1873.

F159
.C+35

A MEMOIR

OF

GEORGE CHAMBERS, LL. D.

ABOUT the year seventeen hundred and twenty-six four brothers, determined to push their fortunes in the New World, arrived in the city of Philadelphia, as emigrants from the county of Antrim, in Ireland. Among those brothers was Benjamin Chambers, the grandfather of the subject of our sketch — then a youth of seventeen years. He first settled, with his brothers, on a large tract of land which they purchased from the Proprietaries of the Province, on the borders of the Susquehanna, near Fishing Creek. In the year 1730, prompted by that spirit of exploration and love of adventure which so eminently characterized the early pioneers, he crossed to the western bank of the Susquehanna, and, traversing the untrodden Cumberland Valley, reached the confluence of the Falling Spring with the Conococheague Creek. The excellent water-power furnished by these streams, the fertility of the soil, and the beautiful and picturesque scenery, arrested his attention and determined his choice of this spot as his permanent home.

Having procured a title to as much land as he desired, he proceeded to erect a log house of hewed timbers,

roofed with lapped cedar shingles, fastened with nails — an unusual architectural distinction for that day. This humble dwelling was the foundation of Chambersburg, and this energetic and adventurous youth its first white settler. A few years afterwards he erected a grist and saw mill, which helped greatly to quicken the settlement of the adjacent lands and to develop their resources.

During the controversy between the Penns and Lord Baltimore, relative to the boundaries of their respective provinces, Mr. Chambers went to England to assist by his testimony in determining the issue involved. His evidence was of great value to the Penns, and had a decisive influence upon the settlement of the controversy. During his absence on that business, he revisited his native place and induced many persons to accompany him on his return, generously defraying the expenses of those who were poor and without means. His settlement steadily grew in numbers and in wealth. Although surrounded by Indians, his tact, upright dealing and rigid justice secured and commanded their respect and friendship. He spoke the language of the Delawares with fluency, and was on terms of intimacy with their chief men. A sacred truce was long maintained between them, and the tomahawk was buried deep. The influence of this just and pacific policy towards the aborigines was of necessity confined within a very narrow sphere. Untoward and sinister agencies were active elsewhere. French ambition, assisted by the baleful influence of French gold, poisoned the blood of the red men and fired their hearts with an intense and savage desire for vengeance. A war of extermination was proclaimed and waged against the English.

The life of the isolated and scattered settlements of the Kittatinny country was about to go out in blood. The

dark war-cloud came rolling in upon the infant settlement at Chambersburg. It was a time when the stoutest heart might well quail and the manly cheek might well blanch, for friend and foe were alike victims upon the altar of Moloch.

On the 3d of July, 1754, Colonel Washington was compelled to capitulate to a superior force of allied French and Indians, at Fort Necessity. Under the weight of this dire calamity the frontier settlements invoked the assistance and protection of the Provincial Government. The following petition will serve to illustrate the earnestness of the appeal and the imminency of the peril.

To the Honorable James Hamilton, Esq., Lieutenant-Governor and Commander-in-Chief of the Province of Pennsylvania and Counties of New Castle, Kent, and Sussex, in Delaware.

The address of the subscribers, inhabitants of the County of Cumberland, humbly sheweth :

That we are now in the most imminent danger by a powerful army of cruel, merciless, and inhuman enemies, by whom our lives, liberties, and estates, and all that tends to promote our welfare, are in the utmost danger of dreadful destruction, and this lamentable truth is most evident from the late defeat of the Virginia forces; and now, as we are under your Honor's protection, we would beg your immediate notice, we living upon the frontiers of the Province, and our enemies so close upon us, nothing doubting but that these considerations, will affect your Honor; and as you have our welfare at heart, that you defer nothing that may tend to hasten our relief, etc.

This petition was signed by Benjamin Chambers and seventy-four others, and dated Cumberland, July 15th, 1754.

The intelligence of the bloody drama which closed the march of Braddock's doomed army on the 9th of July, 1755, completed the dismay of the unprotected settle-

ments. Many of the people fled, with what effects they could carry, to Shippensburg and Carlisle.

Mr. Chambers, ever upon the alert to save his infant colony from the destruction which seemed to be close at hand, wrote and forwarded the following letter:

FALLING SPRING, SABBATH MORNING,
Nov. 2d, 1755.

To the Inhabitants of the Lower Part of the County of Cumberland.

Gentlemen: — If you intend to go to the assistance of your neighbors, you need not wait longer for the certainty of the news. The Great Cove is destroyed. James Campbell left his company last night and went to the fort at Mr. Steel's meeting-house, and there saw some of the inhabitants of the Great Cove, who gave this account: that, as they came over the hill, they saw their houses in flames. The messenger says that there are but one hundred, and that they are divided into two parts; the one part to go against the Cove, and the other against the Conolloways; and there are two French among them. They are Delawares and Shawneese. The part that came against the Cove are under the command of Shingos, the Delaware king. The people of the Cove that came off saw several men lying dead; they heard the murder-shout, and the firing of guns, and saw the Indians going into their houses before they left sight of the Cove. I have sent express to Marsh Creek at the same time I send this; so I expect there will be a good company there this day; and as there are but one hundred of the enemy, I think it is in our power, if God permit, to put them to flight, if you turn out well from your parts. I understand that the West Settlement is designed to go, if they can get any assistance, to repel them. All in haste, from

Your humble servant,

BENJAMIN CHAMBERS.

These urgent appeals remained unanswered. The Provincial Government was too indifferent to heed these calls for help, and too weak to furnish arms and men for the protection of the frontiers. There was no alternative,

but to abandon the settlement, or to remain, stand for its defence, and share its fate. To abandon it, was to insure its annihilation. To remain, and attempt to save it, was to imperil life. A stout heart and a cool head were needed, or all would be lost. But the path of duty is never long doubtful to the true man. The hour of trial is the crucible that refines human nature and lifts the soul above the dross of earth.

Mr. Chambers resolved to stand by his feeble settlement, to rescue it from the peril that threatened it, or to perish with it. He erected a fort at his own expense, and armed it with two cannon of four-pound calibre and with such other offensive weapons as he could procure. He tempered this show of force, upon all proper occasions, with a friendly and conciliatory policy towards the Indians. It is true that his fort was not impregnable, and could not have withstood a fierce assault or held out against the rigors of a siege. But the unfaltering courage and iron will of its commandant made it strong enough to baffle savage vengeance, and to guard through long, weary years of desultory warfare the town which his energy and enterprise had founded.

Prior to this, about the year 1748, Mr. Chambers had received the commission of colonel from the Provincial Government.

It would be most likely that he who had left his native land and established his home upon the frontiers of civilization; whose destiny it was to battle with the dangers of the wilderness; to toil, and struggle, and suffer; whose task it was to found and nurture into strength a prosperous town; whose clear head, wise counsels, and stern justice, managed and adjudged its affairs in peace, and whose unflinching bravery and unyielding fortitude defended it in war, would be a patriotic citizen, a good

neighbor, a just man, a firm friend, a devoted father, and a devout Christian. Mr. Chambers possessed all these qualities in an eminent degree. In private life he was respected and esteemed for the purity of his character, the kindliness of his disposition, the soundness of his judgment, and for his austere love of justice. He was the recognized counsellor of the community in which he lived, and for many years a magistrate — the arbiter of all disputes, from whose judgment none cared to appeal.

The original settlers of Chambersburg and vicinity were almost exclusively Scotch-Irish Presbyterians, devout believers in the Westminster Confession, and imbued with the deepest reverence for the Sabbath and the sanctuary.

Mr. Chambers himself was a disciple of this creed, and built his settlement upon the solid rock of the Calvinistic doctrine and faith. Having a profound conviction that his settlement could only be stimulated into a sturdy and healthy growth by means of the ameliorating and enlightening influences of education and religion, he selected, at an early day, the most eligible and romantic site in the town, and by a deed dated in 1768 donated it to the religious society, "then and thereafter adhering to the Westminster Confession of Faith, and the mode of government therein contained, and for the purpose of a house of worship, session and school-houses, and cemetery."

He died on the 17th of February, 1788, at the age of eighty years.

He was married twice. His first wife was a daughter of Captain Robert Patterson, of Lancaster. He married her in 1745, and she gave birth to his son James, who rose to distinction in the Revolutionary army.

This son, at the first outbreak of hostilities, warmly espoused the patriot cause. In June, 1775, he recruited a

company of infantry, was elected its captain, and marched to the defence of Boston. For gallant and meritorious conduct in the engagements around that city, he was promoted by the Continental Congress, on the 7th of March, 1776, to the lieutenant-colonelcy of "Hand's Rifle Battalion in the army at Cambridge." He was commissioned colonel of the First Regiment of the Pennsylvania Line, on the 26th day of September, 1776. He fought in the battle of Long Island, served through the arduous campaign in New Jersey, participated in the engagements at Brandywine and Germantown, and suffered the privations and horrors of the winter at Valley Forge. In the year 1781 he availed himself of the provisions of an Act of Congress reducing the Pennsylvania Line to six regiments, and retired from the army, after six years of faithful service, conspicuous for gallantry and the highest exhibition of soldierly qualities. He commanded a brigade in 1794, in the expedition for the suppression of the Whiskey Insurrection. He also received a brigadier-general's commission in the Pennsylvania quota of militia called for by Congress in 1798, in anticipation of difficulties with France.

His worth in civil life was recognized by the universal respect and esteem of the community in which he lived. For several years he was an Associate Judge of the Court of Common Pleas of Franklin County. A member of the Masonic order, he founded the Chambersburg Lodge, and was its Master until he resigned, in 1804. He was also a member of the Society of the Cincinnati. After the establishment of peace in 1783, he built a forge on the site of the present village of Loudon, where he died on the 25th of April, 1805.

Colonel Benjamin Chambers married his second wife in 1745. Her name was Miss Jane Williams, the daugh-

ter of a Presbyterian clergyman, of the Virginia Colony, from Wales.

Benjamin Chambers, born in the year 1755, the father of George Chambers, the subject of our sketch, was a son of this second marriage. When a youth of but twenty years, he enlisted in the company of his brother, Captain James Chambers, and marched with it to Boston. Soon after he joined the army he was commissioned a captain, and in that rank fought at the battles of Long Island, Brandywine, and Germantown, with credit and gallantry. During the retreat of the army from Long Island, the Pennsylvania troops were assigned to the distinguished but hazardous honor of covering the movement. While assisting in this delicate and perilous manœuvre, Captain Chambers had the great good-fortune to arrest the attention of General Washington, win his commendation, and receive from him, as a signal token of his approbation, a handsome pair of silver-mounted pistols; which have always been treasured as a precious heir-loom in the family, having recently been bequeathed to Benjamin Chambers Bryan, a great-grandson of the original donee.

But the diseases of camp and the rigors of military life compelled Captain Chambers to retire from the army; just at what period of the struggle is not definitely known. Although no longer engaged in regular military service, his skill and experience and great personal courage made him the captain and leader in many expeditions against the Indians, whose savage and bloody forays upon the settlements of Bedford and Huntingdon counties were constantly creating great consternation and alarm.

At the conclusion of the treaty of peace with England he became extensively engaged in the manufacture of iron, and was the first to make iron castings in the county.

Influenced by the same enlightened liberality which characterized his father, he donated, in the year 1796, two lots of ground in Chambersburg as a site for an academy. A charter was procured in 1797, and shortly afterwards a suitable building was erected, and a select school organized and opened under the tuition of James Ross, whose Latin Grammar for many years maintained its distinguished position, without a rival, in the colleges and seminaries of our land.

Captain Chambers left upon record, among the last business acts of his life, his solemn testimony to the importance and value of education, by earnestly enjoining upon his executors, in his will, that they should have all his minor children liberally educated. This betokened a zeal for learning that was certainly very rare in that day. He died in 1813, crowned with the esteem, respect, and love of the community, for whose welfare and prosperity he had taxed his best energies, and to whose development he had devoted the labor of a lifetime.

George Chambers, his oldest son, was born in Chambersburg, on the 24th day of February, A. D. 1786. It was not unlikely that such a father would put George to his books while very young. This seems to have been so. He must have been taught to read and write, and have acquired the other rudiments of a common English education, at a very early age; for when he was but ten he began the study of Latin and Greek in the classical school of James Ross. He subsequently entered the Chambersburg Academy and became the pupil of Rev. David Denny, an eloquent, learned, and much revered Presbyterian clergyman. He was ambitious and studious, and had made such progress in the ancient languages and mathematics that in October, 1802, he was able to pass from the Academy into the Junior Class at

Princeton College. He graduated from that institution in 1804, with high honor, in a class of forty-five, among whom were Thomas Hartley Crawford, Theodore Frelinghuysen, Joseph R. Ingersoll, Samuel L. Southard, and others, who rose to distinguished eminence at the bar, in the pulpit, and in the councils of the nation.

He chose the law as his profession, and entered upon its study with William M. Brown, Esq., in Chambersburg. Having spent a year with him, he became a student in the office of Judge Duncan, in Carlisle, then in the zenith of his great fame. Having passed through the customary *curriculum*, he was admitted to the bar and sworn as a counsellor in the courts of Cumberland County, in the year 1807.

Shortly afterward, he returned to Chambersburg and commenced the practice of his profession. When he entered the arena, he found the bar crowded with eminent and learned lawyers. Duncan, Tod, Riddle, and the elder Watts practiced there and monopolized the business. With such professional *athletes*, already crowned with the laurels of the profession, and clad in armor that had been tempered and polished by the lucubrations of more than twenty years, it seemed a hard, indeed an almost impossible, task for a young and inexperienced man to compete.

Mr. Chambers, however, courted notoriety by no adventitious aids. Indeed, he thought so little of all the usual methods of inviting public attention, that it is related of him that he dispensed with "*the shingle*," that ornament of the office-shutter which the newly-fledged lawyer is so apt to regard as an indispensable beacon to guide the footsteps of anxious clients. Nor did he advertise his professional pretensions in either card or newspaper. He was quite content to recognize in the

law a jealous mistress, who would be satisfied with nothing less than the undivided homage of heart and mind.

His professional career was not distinguished by rapid success at first. Like almost all who have attained the highest honors at the bar, his *novitiate* was severe. He found the first steps of his journey towards eminence beset with difficulties and full of discouragements.

He who can with manly fortitude meet the fiery ordeal, and come out of it without the smell of fire upon his garments, has earned a title to distinction. Men are not born lawyers. Admission to the bar is simply the introduction of the tyro into the vestibule of jurisprudence — a fact which unfortunately too many young lawyers entirely overlook.

But Mr. Chambers was not unmindful of these truths. His early professional years were characterized by indefatigable industry and unremitting study; and during this period he laid that broad and solid foundation of legal knowlege without which all success must necessarily be ephemeral. He had the patience to study and to wait. He had confidence in himself, and faith in the ultimate arbitrament of the people.

After weary years of waiting, success came at last — as it must always come to true merit. When it did come — and, perhaps, it came as soon as it was deserved — he was prepared to meet its imperious demands.

Mr. Chambers had a mind most admirably adapted to the law. It was acute, logical, and comprehensive, of quick perception, with strong powers of discrimination, and possessed of rare ability to grasp and hold the true points of a case.

Added to these natural abilities was the discipline of a thorough education, supplemented by a varied fund of knowledge acquired by extensive reading, which

ranged far beyond the confines of the literature of his profession.

Besides all this, he possessed, in a most eminent degree, that crowning ornament of all mental stature, *good common sense* — without which the most shining talents avail but little.

It is not surprising, therefore, that when the opportune time came that was to give him the ear of the court, that he should attract attention. From this time his success was assured, and his progress to the head of the bar steady and unvarying. This ascendancy he easily maintained during his entire subsequent professional life. Not only was he the acknowledged chief of his own bar, but also the recognized peer of the first lawyers of the State.

From 1816 to 1851, when he retired from active practice, his business was immense and very lucrative. He was retained in every case of importance in his own county, and tried many cases in adjoining counties.

He was well read in all the branches of the law, but he especially excelled in the land law of Pennsylvania. He had completely mastered it, and could walk with sure and unfaltering step through all its intricate paths.

The practice of his day, while it embraced the usual variety of litigated questions, was nevertheless greatly engrossed by the trial of ejectments. The titles to many of the most valuable farms in Franklin and contiguous counties were drawn into litigation, and occupied the professional attention and skill of Mr. Chambers. Some idea of the extent of his professional labors may be gained by examining the reports of cases argued before the Supreme Court, from 4th Binney to 1st Jones. This, however, would furnish a very incomplete and inadequate record of the volume of his business, for but a comparatively small number of his cases passed in review before

that tribunal. His preparation was laborious and thorough. He trusted nothing to chance, and had no faith in lucky accidents, which constitute the sheet-anchor of hope to the sluggard. He identified himself with his client, and made his cause his own, when it was just. He sought for truth by the application of the severest tests of logic, and spared no pains in the vindication of the rights of his clients. He was always listened to with attention and respect by the court, and whenever he was overruled it was with a respectful dissent.

The writer of this tribute came to the bar after Mr. Chambers had retired from it, and cannot, therefore, speak of him, as an advocate, from personal knowledge. But tradition, to whose generous care the reputation of even the greatest lawyers has too uniformly been committed, has fixed his standard high. His diction was pure and elegant; his statement of facts lucid; his reasoning, stripped of all false and vulgar ornament, was severe and logical; his manner earnest and impressive, and, when inspired by some great occasion, his speech could rise upon steady pinions into the higher realms of oratory.

His influence with juries is said to have been immense. This arose in part, doubtless, from their unbounded confidence in his sincerity and integrity; for he was one of those old-fashioned professional gentlemen who stubbornly refused to acknowledge the obligation of the professional ethics which teach that a lawyer must gain his client's cause at all hazards and by any means. While he was distinguished for unfaltering devotion to his client, and an ardent zeal in the protection of his interest, he was not less loyal to truth and justice. When he had given all his learning and his best efforts to the preparation and presentation of his client's case, he felt that he had done his whole duty. He would as soon have thought of vio-

lating the Decalogue as of achieving victory by artifice and sinister means. His professional word was as sacred as his oath, and he would have esteemed its intentional breach as a personal dishonor. He despised professional charlatanism in all its forms, and had he come in contact with its modern representative, he would have been his abhorrence.

An influence based upon such high moral worth, backed by extensive legal learning, an agreeable and impressive oratory, and great tact, could not be otherwise than potential with both court and jury. If his clients were not always successful, they nevertheless felt perfectly sure that he had left nothing undone which ought to have been done.

Washington College, Pennsylvania, manifested its appreciation of his legal learning and personal worth by conferring upon him the degree of LL.D. in the year 1861. This honor, entirely unsolicited and unexpected by him, was a spontaneous mark of distinction, as creditable to the distinguished literary institution that bestowed it as it was well earned by him who received it.

Mr. Chambers having determined, in early manhood to devote himself with an undivided fidelity to the study and practice of the law, and to rely upon that profession as the chief architect of his fortune and his fame, very seldom could be enticed to embark upon the turbulent sea of politics. His tastes and habits of thought ran in a different channel. Office-seeking and office-holding were uncongenial pursuits. The coarse vulgarity and bitter wranglings of the "*hustings*" shocked his sensitive nature. Indeed, no one could be less of a politician, in the popular acceptation of that term. He was as much superior to the tricks of the political intriguer as truth is superior to falsehood. His native dignity of character,

robust integrity, and self-respect, united to an unbounded contempt for meanness, lifted him so high above the atmosphere of the demagogue, that he knew absolutely nothing of its under-currents of knavery and corruption.

But in 1832, at the earnest solicitation of his party, he became a candidate for Congress in the district composed of the counties of Adams and Franklin, and was elected by a majority of about eight hundred. He served through the Twenty-third Congress, the first session of which, commonly called "the Panic Session," commenced on the 2d of December, 1833. The most conspicuous and distinguished men of the nation were members, and the Congress itself the most eventful and exciting that had convened since the adoption of the Constitution.

Mr. Chambers was again a candidate and elected to the Twenty-fourth Congress by a greatly increased majority, and at its termination peremptorily declined a re-election.

During his congressional career he maintained a high and respectable position among his compeers. He was not a frequent speaker, but his speeches, carefully prepared, closely confined to the question under discussion, and full of information, always commanded the attention of the House.

He served on the Committee on the Expenditures in the Department of War, on the Committee on Naval Affairs, on the Committee on Private Land Claims, and on the Committee on Rules and Orders in the House. To the discharge of these public duties he gave the same industry, care and ability which always characterized the management of his affairs in private life. He was a conscientious public servant, zealous for the interests of his immediate constituents, and careful about the welfare and honor of the nation.

In 1836 Mr. Chambers was elected a delegate from Franklin County to the Convention to revise and amend the Constitution of Pennsylvania. This body convened in Harrisburg on the 2d day of May, 1837, and its membership was largely composed of the foremost lawyers and best intellects of the State.

Mr. Chambers was appointed a member of the committee to which was referred the Fifth Article of the Constitution, relative to the judiciary — by all odds the most important question before the Convention.

The controversy over this article was bitter and protracted between the advocates of a tenure during good behavior and the advocates of a short tenure for the judges. Mr. Chambers opposed any change in this respect of the old Constitution, and throughout the various phases of the angry discussion stood firmly by his convictions. To the advocacy of the same cause Hopkinson, Forward, and Meredith brought their varied learning, ponderous logic, and thrilling eloquence.

Mr. Chambers delivered an elaborate and exhaustive speech upon this subject. His impassioned plea for an impartial and independent judiciary is as remarkable for its beauty as for the correctness of its sentiments. An extract from that speech will certainly not be regarded as improper or out of place in this sketch. He said:

"We, sir, are for the independence of the judiciary. The independence I want is an independence of any undue influence, from any quarter, that will control or operate on the minds of the judges, in the impartial administration of justice according to law. It is an independence, not of the people, but an independence for the people, and for the protection of the rights of the humblest citizen of the Commonwealth against oppression or injustice, from whatever quarter it may be attempted.

"It is an independence that will protect the people against any encroachments on their rights by the executive or legislative departments of the government. These powerful departments may usurp and exercise powers not committed to them, but forbidden by the constitutional compact; and against such the individual citizen will vainly resist, without the aid and shield of an independent judiciary to sustain his rights.

"It is an independence that will protect the citizen against State power. Let the government be the prosecutor; let official experience be brought in aid of the prosecution, yet, with an honest and independent judiciary, the most humble citizen, under the panoply of the law, with her virtue, with pity and innocence for his shield, will pass the ordeal of persecution and trial unhurt either in his person, character, or estate.

"It is an independence that will protect the obscure citizen against party leaders, popular favorites, or any other idol of the day, whose claims may be brought into conflict, and which will be weighed in the scales of justice by the firm and unwavering hand of an independent judge.

"It is an independence that will afford the same measure of justice to the poor man that it does to the man of wealth, let his possessions and interests be as extensive as they may; and it is an independence that administers to the stranger in the land the same rule of right and law that it does to the most influential family whose possessions and connections surround the place of trial and judgment.

"It is for such interests, which are those of the people, that independent judges are wanted, who will pronounce the judgment of the law, regardless of every other consideration than those arising under the law and the evidence. Judges whose term of office is limited to a term of years, before the expiration of their term will turn their eyes to the appointing power, whether that power be with the people, the executive, or legislative departments. It will have its influence on the feelings and judgment of the judge, who is a man, with his infirmities. His feelings and his interests will lead him to fear and

conciliate that person on whom depends his place, and this when he should alone consider the constitution and laws by which the rights of all the people are to be decided."

He closed his speech with the following eloquent peroration:

"The subject was one of interest to us all; it was one of interest to the whole people of the Commonwealth, who are now on the stage of action; and of interest to those who are to come after us. We are now passing not only upon the rights of men of high character, but we are also passing upon a constitutional provision which may be for good, or it may be for ill, for those present as well as those to come. I might be in favor of making some salutary changes in the Constitution of our State, but I am not for pulling down the pillars of that Constitution for the purpose of building up some structure of my own fancy, or that of the fancy of some one else. It was to no purpose that we distributed the powers of the government among three departments, if we are not to have an independent judiciary department. If you place it at the foot of the executive, by making it dependent upon him for existence, your distribution of the powers of the government is a fallacy, and the independence of your judiciary a mere mockery. Sir, the hands that hold the scales of justice should be firm ones, and I would do nothing to enfeeble them, nor am I willing to deliver over the scales of justice to eyes that will look to the appointing power, when they ought to look to the Constitution and the laws."

The solemn admonitions, wise counsels, and unanswerable arguments of the advocates of a tenure for the judiciary during good behavior failed to convince a majority of the Convention. Radicalism won the day, and the judges ceased to be the arbiters of their own fate.

Mr. Chambers never changed his views on this sub-

ject. When the amendment to the Constitution making the judiciary elective was pending before the Legislature, he was exceedingly anxious that the term of office of the judges should be extended to the utmost limit compatible with the proposed amendment. He wrote his views fully to the member of the House from Franklin County, earnestly urging upon him the propriety of this extended tenure. He observed an earnest public sentiment clamoring for the change, and although he was willing that the experiment should be made, he yet feared that the independence of the judiciary would be imperilled. While he firmly believed that it would be impossible to keep the ermine of an elective judiciary wholly unspotted, still he hoped that it might escape serious harm by making the appeals to the people as unfrequent as might be.

On the 12th of April, 1851, Governor Johnston commissioned Mr. Chambers as a Justice of the Supreme Court, to fill the vacancy caused by the death of Judge Burnside. He sat upon the Bench from this time until the first Monday of the following December, when, under the amended Constitution, the new judges received their commissions. He was nominated by the Whig State Convention in 1851 for this office, but was defeated along with his colleagues on the same ticket, having received, however, from the voters of his native county, and of the adjoining counties, a very complimentary endorsement.

During the time Mr. Chambers was a member of the Supreme Court, he prepared and delivered quite a number of opinions, written in a perspicuous and agreeable style, and exhibiting his usual exhaustive research and extensive legal knowledge. Some of these opinions are interesting to the professional reader, and can be found in the fourth volume of Harris's State Reports. The most notable among them are the cases of Baxby *v.* Linah, in

which the effect of a judgment of a court of a sister State in the tribunals of this State is elaborately discussed; Louden *v.* Blythe, involving the question of the conclusiveness of a magistrate's certificate of the acknowledgment by *femes covert* of deeds and mortgages, and Wilt *against* Snyder, in which the doctrine of negotiable paper is learnedly examined.

Mr. Chambers never occupied any other public official stations; but in private life he held many places of trust and responsibility, giving to the faithful discharge of the duties they imposed upon him his best services, and to all enterprises for the advancement of the public good, and the promotion of education and morality, liberally of his substance.

In 1814 he was elected a Manager of the Chambersburg Turnpike Road Company, and afterwards its President, which positions he filled for half a century.

In the same year he was actively employed in organizing and establishing the Franklin County Bible Society, was elected one of its officers, and served as such for many years.

He was always a steadfast and consistent friend of the cause of temperance. By precept, by example, and by strong and eloquent advocacy of its principles, he strove to correct public sentiment on this subject, and to arouse it to a proper appreciation of the horrors of intemperance. He assisted in the organization of a number of societies throughout the county, to which he gave freely such pecuniary aid as they required, and before which he was a frequent speaker. The seed which he thus so diligently planted ripened into a rich harvest of blessed results, the influence of which remains until this day.

In 1815 Mr. Chambers was elected a Trustee of the Chambersburg Academy, and afterwards President of the

Board, resigning the trust after a tenure of forty-five years, because of the increasing infirmities of age.

In the same year he was chosen one of the Trustees of the Presbyterian Church of Chambersburg, and in due time became President of the Board, from which he retired in July, 1864.

He was also for many years a Director of the Bank of Chambersburg, in 1836 was chosen its President, and annually reelected until pressing business engagements compelled him to decline re-election.

The mention of these unostentatious but useful and responsible employments is not improper here, for it serves to illustrate how Mr. Chambers was esteemed in the community where he passed his entire life.

At the time of his death he was the largest land-owner in Franklin County. He had a passion for agriculture, studied it as a science, and gave much of his leisure to the direction of its practical operations. His knowledge of soils, and of the fertilizers best adapted to them, was extensive and accurate. His familiarity with the boundaries of his farms, and the varieties of timber-trees growing upon them, and exactly upon what part of the land they could be found, was so remarkable as to astonish his tenants frequently, and to put them at fault. He was not churlish in imparting all his knowledge about agricultural affairs to his neighbors, and he was ever ready at his own expense to lead the van in every experiment or enterprise which gave a reasonable promise of increasing the knowledge or lightening the labors of the farmer. For the purpose of exciting a generous emulation among the farmers, and facilitating their opportunities for gaining increased knowledge of their business, — although at quite an advanced age, — he expended much time and labor in organizing and putting into suc-

cessful operation the first agricultural society of Franklin County, which he served as president for one year.

Mr. Chambers was proud of his native State, and a devout worshipper of the race whose blood flowed in his veins. These sentiments were deepened and strengthened by a diligent study of provincial history and an extensive personal acquaintance with the illustrious men whose lives adorned the first years of the Commonwealth. The knowledge which he thus acquired brought to him the sting of disappointment; for his sense of justice was wounded by the almost contemptuous historical treatment of the claims and deeds of that race which, more than all others, had helped to lay the broad foundations of State prosperity, to build churches and schoolhouses, and to advance everywhere the sacred standard of religious liberty, which had loved freedom and hated the king, and had carried with it into every quarter the blessings of civilization, and the hallowed influences of the Gospel.

The spirit of his ancestry called him to the vindication of their race, and he determined — although the sand of his time-glass was running low — to round off, and crown the industry of a long life by a labor of love.

During the brief periods of leisure, which the almost constant demands of his business only occasionally afforded him, he prepared and had published, in 1856, a volume, which, with characteristic modesty, he entitled, "*A Tribute to the Principles, Virtues, Habits, and Public Usefulness of the Irish and Scotch Early Settlers of Pennsylvania; by a Descendant.*"

This production discloses such a thorough knowledge of the subject, and withal breathes so great a filial reverence for those whose merits it commemorates, that it will doubtless long be read with increasing interest by their descendants.

The following closing paragraphs will furnish a fair sample of the style and sentiments which characterize the whole book. Speaking of the Scotch-Irish settlers, the author says:

"They located themselves beside the descendants of the Puritans, as well as others of German origin. The communities thus formed have been harmonious, respectable, and influential, giving tone to public morals, political sentiment, social advantages, elevated education, and religious organizations. The descendants of the Irish and Scotch, in whichever district they may have cast their lot and fixed their stakes, are among the most prominent, virtuous, religious, active, useful, industrious, and enterprising of the community. They have proved by their faith and works that they are not of ignoble blood and descent, nor below any class of the citizens of this land with whom they may be compared, in their principles, virtuous habits, and public usefulness, or in those of their ancestors.

"Though Pennsylvania has not elevated one of her own sons to the Presidency of the United States, yet the Scotch-Irish race of the Union has furnished to that Presidency three of our Presidents and a majority of the United States Senators since the organization of the Federal Government. They have also from their ranks, in Pennsylvania, given to our Commonwealth five of her Governors, and a majority of the men who have composed and who still compose the Supreme and other courts of the State.

"In all stations under the National or State governments, civil or military, the men of this race have generally been prominent, eminent, patriotic and faithful; wise, judicious, and deliberate in council; resolute, unwavering and inflexible in the discharge of duty, and when called by their country to face the public enemy in arms, there were none more brave, fearless, and intrepid.

"It is hoped that the compilers of Pennsylvania history hereafter, in their review of the progress of improvement

in our great Commonwealth, in education, arts, science, and manufactures, in the promotion of elevated religious and Christian influence, in the establishment of seminaries of learning, and in the construction of great inland improvements for travel and transportation, will inquire into the authors and founders of these institutions, influences, and improvements, investigate their pretensions, and do justice at least to their merits and memory. Let them not presume to give point to a paragraph by heaping on a whole race some stale and unjust reproach from a bygone calumniator and enemy.

"It behooves the men of Pennsylvania, who have State pride and emulation, and appreciate her prosperity and greatness, as well as the labors, services, and sacrifices of ancestors who did so much to lay the foundations of that prosperity and greatness, to stand by her own men, and manifest for their memory the great reverence which they so eminently deserve."

These natural tastes and congenial studies combined to make Mr. Chambers an ardent friend of the Historical Society of Pennsylvania, and to impress him with the importance of the noble work, for the sake of truth, which it is now performing. The value of his efforts for the elucidation of the early history of the Province and State, and his moral worth, were generously recognized by the Society in his selection to be one of its vice-presidents, which honorable office he held at the time of his decease.

By the request of the Society, Mr. Chambers undertook the preparation of an extended history of a considerable portion of the State of Pennsylvania, including the Cumberland Valley. It was also intended to embrace a compilation and analysis of the various laws and usages governing the acquisition of titles to land in the State, to be supplemented by an annotation of the changes caused therein by statutory law, and the decisions of the courts from time to time.

The manuscript of this work, which had cost much research and labor, was finished and ready for the press on the 30th of July, 1864, when the Rebels, under General McCausland, made their cruel foray into Chambersburg, to give the doomed town over to its baptism of fire.

It perished in the conflagration of that fearful day — which still haunts, and ever will, the memory of those who witnessed it, like the hideous spectre of a dream. Along with that manuscript perished also a biographical sketch, which was almost ready for publication, of Dr. John McDowell, a native of Franklin County, distinguished for his learning, usefulness, and devoted piety.

Mr. Chambers lost heavily in property by the burning of Chambersburg. The large stone dwelling-house built by his father in 1787, the house which he had himself erected in 1812, and in which he had lived with his family since 1813, together with four other houses, were totally destroyed.

But this pecuniary loss caused him, comparatively, but little regret. His private papers, an extensive correspondence, valuable manuscripts, hallowed relics of the loved and lost ones, many cherished mementoes of friendship, his books so familiar and so prized from constant study and use, the old-fashioned stately furniture, and the precious heirlooms that had come down to him from his ancestry, all shared the same common ruin. Such things are incapable of monetary valuation, and their loss was irreparable. In one half hour the red hand of fire had ruthlessly severed all the links that bound him to his former life, and thenceforth he walked to the verge of his time isolated and disassociated from the past. This calamity he keenly felt, although he nerved himself against its depressing influences with his characteristic cheerfulness and fortitude.

To this cause, also, must be attributed the great lack of present materials for a proper biographical sketch of Mr. Chambers, and the difficulties and discouragements which the writer of this tribute has encountered in its preparation. No one can be more conscious than he how unworthy this memoir is of the subject and this august presence.

Mr. Chambers was deeply moved by the news of the bombardment of Fort Sumter. When he heard the startling intelligence, although in infirm health, it seemed to stir a fever in his blood. He urged the calling of the citizens of Chambersburg together immediately, to take proper measures for assisting in the defence of the Government. He presided at the meeting, and made a touching and eloquent speech, which was responded to on the spot by the enlistment of a full company for the three months' service. A few years before he had presented a flag to a military company called in his honor *The Chambers Infantry*. This organization formed the nucleus of the company now enlisted for the stern duties of war, and was among the first in the State to report for service at the headquarters at Harrisburg. From that hour, until the last Confederate soldier laid down his arms, Mr. Chambers stood steadfastly by the Union. The darkest hours of the war found him always the same unflinching supporter of the Government, the same staunch patriot, the same irreconcilable opponent of all compromise with treason, and the same defiant and implacable foe of traitors.

In his tribute to the early Irish and Scotch settlers of Pennsylvania Mr. Chambers put on record his strong condemnation of all insurrectionary attempts against the Government in the following forcible language:

"It is a grave and important question, to be settled by politicians and statesmen in time of tranquillity, whether clemency to offenders against the authority of the laws and the existence of society and government has not, in the administration of the Federal Government, been carried too far for the peace and safety of the public as well as for the authority of the laws. All those who in times past have raised their arms in violence, or conspired to resist by force the laws of the Government and its constituted authorities, have been allowed to escape the penalties of the law for their crimes, through executive clemency and pardon. The safety and permanence of the Republic forbid that an ill-judged benevolence shall permit such high crimes to be perpetrated with impunity. The necessity of example for such offenders is as requisite as it is for the lesser crimes against the public peace and security; and if the law, in the hands of a faithful chief magistrate, be carried into execution against insurgents and traitors, the public peace will more rarely be violated by unlawful assemblies, and the existence of society and government not be endangered by unlawful organized combinations of men, with their leaders, in resistance. With a known measure of punishment before them, to be executed upon all such offenders, without fear or favor, men will be more submissive to the constituted authorities and laws passed in conformity to the Constitution, and abstain from a resistance that will be subdued, while the offenders receive the punishment inflicted by the law. Partisans and demagogues will be as little disposed then to threaten rebellion, nullification, and dissension, as they would be to boast in public assemblies of their purpose to murder their neighbors, burn their houses, or pick their pockets.

"The Western insurrection, and other unlawful combinations in Pennsylvania to oppose the laws of the Union, since its formation, are a slur on its citizens and Government. If our great Commonweath is to maintain the position in the Union which she ought to have in regard to her population and territory, it will be necessary in all time to come to manifest her regard for it by repressing, with her own power and authority, every appearance

among her citizens of organized combination to resist by violence and numbers the execution of the laws of the National and State governments.

"Let the weight of law and public authority be laid upon it in its inception, and let a well-directed public sentiment sustain the public officers in the faithful discharge of their duty, without regard to party or political associations and names. By so doing the riotous insurgent, the wicked traitor, and turbulent demagogue will learn that their criminal measures and designs against the government of the people and its free institutions will be as futile as they are infamous."

It must be observed that these views were expressed several years before the black clouds of discontent in the South had broken in a deluge of blood upon the country. Regarded, therefore, as the abstract opinion of a patriot and good citizen upon the heinousness of the crime of rebellion, and the imperative duty of the Government to punish it, they must, of necessity, commend themselves as eminently proper and just, even to those whose hearts are now most anxiously panting after reconciliation, and who are most willing "to clasp hands across the bloody chasm of war."

These sentiments have a fitting place in this memoir, because they serve to illustrate the character of their author. But to infer from them that Mr. Chambers favored extreme penalties against the insurgents, after they had thrown down their arms and acknowledged the authority of the Government, would be doing cruel injustice to his kindly nature, and casting an undue aspersion upon the soundness of his judgment. Were he alive to-day, we feel very sure that he would be an earnest advocate of liberal amnesty.

On the 6th day of March, 1810, Mr. Chambers married Alice A. Lyon, of Carlisle, daughter of William Lyon,

Esq., Prothonotary and Clerk of the courts of Cumberland County, — a lady whose rare virtues and accomplishments cheered and solaced thirty-eight years of his life. Two sons and two daughters, the fruits of this marriage, still survive, and are residents of Chambersburg.

Mr. Chambers was of medium stature, of slender frame, and delicate constitution. He was indebted for the physical strength which enabled him to sustain for so many years the burden of excessive professional labor, solely to his abstemious life, regular habits, and almost daily exercise upon horseback.

His classical training was excellent, and his knowledge of the Roman authors quite extensive. He was a well-read man, and familiar with the best literature of his own and past times,— an acquaintance which he sedulously cultivated until a late period of his life. His library was large and well selected, and open at all times to the deserving, however humble might be their station.

Mr. Chambers cared for none of the arts of popularity. He was not one "to split the ears of the groundlings." He had no ambition at all for this. His bearing was dignified and his manners reserved. With the world he doubtless was accredited a cold and proud man; but to those who were admitted to the privileges of an intimate acquaintance, he was a sociable, kind, courteous, and affable gentleman, and a genial and captivating companion. Having acquired a varied fund of knowledge from books, as well as from a close and intelligent observation of men, his conversation was exceedingly entertaining and instructive. His memory, going back into the last century, had garnered up many interesting reminiscences of the events of that age, and personal recollections of its illustrious men; and when in the unrestrained freedom of social intercourse he opened its treasures, they fur-

nished, indeed, a rare intellectual entertainment to his charmed auditors. But so great was the elevation of his character and the purity of his nature, so intense his self-respect, that I venture to assert that never at any time, under the temptations of the most unreserved conversation, did he utter a word or sentiment that might not with perfect propriety have been repeated in the most refined society.

He was a sincere and steadfast friend, a kind neighbor, and a good and useful citizen. His advice to all who sought it — and they were many, in every walk of life — proved him to be a willing, judicious, and sympathizing counsellor.

In the management of his private affairs he was scrupulously honest and punctual. He required all that was his own, and paid to the uttermost farthing that which was another's. He scorned alike the pusillanimity which would defraud one's self, and the meanness which would rob another. But withal he was a generous man. His house was the abode of a most liberal hospitality. His benevolence was large and catholic, manifesting itself in frequent and liberal contributions for the advancement of education and religion. He was kind to the poor and deserving, and more than one child of poverty received a good education at his expense. But he did not publish his charities on the streets, nor give his alms before men. He reverently obeyed in this respect the scriptural injunction, "*Let not thy left hand know what thy right hand doeth.*"

It would be improper for us, by dwelling longer on his, domestic virtues, to invade the sanctity of his home, where they grew into such eminent development. We know that he was a good husband, a devoted father, and an exemplar to his household worthy of the closest imitation.

Mr. Chambers was a devout man from his youth, and a sincere and unfaltering believer in the cardinal doctrines of the Christian religion. From childhood he was carefully trained in the tenets of the Westminster Confession and the Shorter Catechism. He drank in a reverence for the Sabbath-day with his mother's milk, which so engrafted itself into his being that no earthly inducement could tempt him to profane it. In 1842 he made a public profession of his faith, and was received into the communion of the Presbyterian Church at Chambersburg. Thenceforth religion grew from a mere sentiment, or a cold intellectual belief, into the guiding principle of his life. It influenced his conduct towards others and governed his own heart. It kept him untainted from the world in prosperity, and solaced him in adversity. And when the twilight of his last days began to descend upon him, his pathway was illumined by the light of the Gospel, and he walked down to the dark river with a firm step, unclouded by doubts or fears, and with the eye of faith steadily fixed upon the Star of Bethlehem.

We have now performed our promise to the Society to submit a memoir of Mr. Chambers. We have not attempted a panegyric, or written his eulogy. It would be eminently out of place for us to do that. We have attempted to present him as he appeared to those among whom he spent his life and who knew him best. He died on the 25th of March, 1866, in his eighty-first year, bequeathing to his children the heritage of an unspotted name, to posterity an enduring reputation, earned by a life full of good and virtuous deeds, and to the aspiring and ambitious youth an example worthy of the highest emulation.

LIBRARY OF CONGRESS
0 014 314 391 0